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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,627	01/04/2001	Freddie Geier	001580-718	2986

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/755,627

Applicant(s)

GEIER ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 11/8/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-19, 21-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12-19, 21-27 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed against amended claims have been fully considered but they are not persuasive.

{A} In re page 10, applicant states, "The forgoing features are broadly encompassed by claim 2."

In response claim 2 recites features such as:

- operating system, examines addresses (computer system of Fig. 17, being a Multi-media Desktop PC embodiment), which has an operating system (NT or other), which facilitates reading and playing the DVD, handling user inputs, which utilizes drivers from the DVD (Kanazawa), to read, handle user inputs and invoke the browser upon locating a URL.

Therefore, the OS, with DVD software drivers and browser, perform handling the functions are the operating system components which have specific known functions:

- o playback, reading addresses, checking for matches at addresses for existence of URLs, upon locating URLs at addresses they are stored at, invoking the browser handed off located URLs to pull WEB page data from the internet to the system where the WEB page data is cached or stored in order to render.

The resource indications met by (URLs on the DVD).

The recited application program is met by the browser, which is deemed to be an extension of a PCs basic operating system, such as NT type or other type of operating system of the era.

The DVD player software operates to play the DVD, which is deemed another extension or drivers added or associated or

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connected with the OS, which is also required to handle and interpret the DVD data structure.

The standard operating system without knowledge of the DVD data structure, cannot handle something new without being programmed or loading drivers to handle a DVD data structure to read and handle user inputs and play the DVD.

It is noted that when an operating system is provided with drivers or extensions it becomes part of its own programming.

The OS with drivers, in this case DVD player software and browser, facilitates and enables reading and handling new devices and data structures, such as a DVD and an associated browser.

The browser software is similar to DVD software in that it is an extension, of the operating systems or (OS), which facilitates interfacing with the internet with a URL.

Utilizing a modem provides access to the internet utilizing the URLs addresses on the DVD, read from the DVD, passed to the browser, to locate and pull web pages designated by the URLs, when user selects the WEB button.

The operating system is loaded with drivers and programs to handle the DVD and the OS receives the URLs and hands off the URLs to the browser so that the browser and associated hardware/software modem can link to the internet and access Web pages with the URL addresses.

{B} In re page 10, applicant states, "An advantage of having the operating system examine the DVD addresses is that the DVD player software 22 need not be modified to support the obtaining of content external to the DVD (e.g. page 5, lines 10-12).

In response this passage is understood to the examiner to mean that the DVD software (drivers), yes is not modified because the OS is modified with the DVD drivers.

The DVD drivers are merged to the OS, synonymous to the browser software being loaded to the OS on the computer implemented DVD player system, such as Kanazawa (Fig. 17), being a PC computer with OS, rather than the previous era standalone standard DVD player system and software (such as Figs. 1-2, also

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reference Fig. 16), which would require modification to handle a DVD with URLs.
(Kanazawa col. 2).

{C} In re page 11, applicant states, "Bugnion does not cure the deficiencies of Kanazawa."

In response Bugnion provides support for inherence and further obviousness associated with calling a driver an extension and further teaches the extension can be removed or uninstalled with respect to the operating system.

The implementation according to the invention is portable, requires only a simple extension (the driver 390) of the operating system (which can even be uninstalled when unused), allowing for removal when not used or needed allowing for backward compatibility, as taught by Bugnion.

The arguments and claims are not deemed to be distinguishable because the OS with loaded drivers e.g. DVD drivers, being DVD player software and drivers for the browser loaded to the OS, each have a role but, when referring to the OS performing something specific it is not clear which part of the OS is performing the operation, when the OS has multiple parts or associated programs.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Or in the alternative

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-10, 12-19, 21-27, 29-37 **are** rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bugnion et al. (US 6,496,847).

Regarding claims 2-6, Kanazawa discloses and meets the recited limitations associated with a method and corresponding apparatus the method comprising the steps of:

- in an operating system (Fig. 17, "Multi-media Desk Top PC & DVD drive 111 and col. 10, lines 25-40, "NT sources and NT resources",
- checking a DVD for resource indications and address regions associated with the resource indications, met by detecting URLs on the DVD read out, which are located in NAV packs for URL addresses or regions having addresses, storing URLs or not (col. 16, EXIST OR NOT);
- while, playing the DVD, the OS of the PC, examines the data at addresses of requested (user initiated WEB button selection), for a match (met by Fig. 24D, col. 19, lines 11-25, "address at which the URL is written is specified in the operand of the "jump URL"), associated with the addresses associated with the resource indications;
- if a match is found (address location & URL exist), in the operating system starting an application program (see Browser) and providing the resource indication (URL to browser) having the matching

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associated address (Nav_pck and URL has a addresses), to the application program to obtain a resource (WEB page).

Met by col. 16,

- o WEB button pressed,
- o Acquires a navigation pack having an associated address (address of NV_PCK),
- o URL present (match met by YES URL exists and no met by no URL, in NAV_PCK data which was read from an address),
- o IF, URL not exist, playback continued and
- o IF, URL exists, pause reproduction, store position and state of the DVD video presently being reproduced and trigger browser (Internet-HTML, pages), col. 16.

The claims further recite, wherein,

"... the starting and providing steps are not done under the control of DVD player software."

This last limitation is read from applicant's specification for clarity.

Pages 2-3 of applicant's specification:

"In a preferred embodiment, the embedded information is supported by the operating system, preferable an extension of the operating system.

"Having the operation of the system of the present invention independent of the control of a DVD player software is advantageous. One way to support embedded information for DVD is to have the DVD player software modified to support such embedded information. The problem with modifying the DVD player software is that it requires such DVDs with embedded information to be used only with the DVD player software systems that support embedded information. Thus the embedded-link system would not work with all of the DVD player software that, support the DVD specification. By using operating system software, in particular operating system extension software, this problem is avoided. The system of the present invention can be used with a

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variety of different DVD player software systems without requiring any modification to the DVD player software.

Page 4 of applicant's specification:

"The operating system extension 32 can be for example, a dynamic loaded library, driver or other unit. The operating system extension 32 examines the DVD data sector address for sectors associated with resource indications."

Therefore, the recited limitation,

"... the starting and providing steps are not done under the control of DVD player software.", is met by the OS with extension, to handle extraction of the URLs and providing the URL to the browser, through the OS with extension and browser software installed to the OS.

Therefore, in accord to Kanazawa col. 2 and col. 10, the programs are loaded into RAM from the DVD or another storage (such as a medium with the programs), col. 11, the programs are software programs playback control composed of driver groups.

In light of applicant's specification, using an operating system with some sort of extension is deemed met by Kanazawa.

In an alternative rejection 103 rejection, if it is deemed that Kanazawa fails to clearly show or describe the programs as a clear extension of the OS.

To add clarity to the rejection the examiner cites Bugnion, which teaches and recites, at col. 15, lines 25-34,

"The legacy virtual machine monitors from Microsoft are integrated as part of Windows95 and Windows NT. The implementation according to the invention is portable, requires only a simple extension (the driver 390) of the operating system (which can even be uninstalled when unused) and supports a full VMM", as taught by Bugnion."

As recited in claims 2-3, reads on an operating system such as NT windows is loaded with programs from the DVD, such as drivers, being an extension of the OS, can be uninstalled when unused, but, supports all VMM which was integrated vs. an

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extension, which allows for uninstalling when unused, as taught by Bugnion.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Kanazawa by loading the program into the NT resource or an OS, as an extension, rather than a fully integrated program, as taught by Bugnion, having advantages of uninstalling when unused, which as those skilled in the art understand, uninstalling remove the driver or extension from the current RAM computer memory, thereby not using memory when not needed, reserving available memory for other concurrent applications, as is obvious to those skilled in the art.

Regarding claims 7-8, Kanazawa further meets the limitation of wherein the indication of the address region is a DVD menu or video indication (Fig.19 A, "WEB/WEB Link Button", or a video button or a menu to select from), from which the address region is determined (upon selecting the Button the address first is determined to exist, thereafter locates the HTML content, thru the browser based on the address and the region is determined, Based on the user selecting the button, or "user input detection" of the region of the Button on the screen, which has a region/location, on the screen);

O wherein the resource indication (Button), is a file indication (or an indication of possible URL leading to the corresponding HTML content itself through a browser).

Regarding claim 9, Kanazawa is deemed to further meets the limitation of: wherein the operating system produced a buffer (buffered DVD data to memory 12 in Fig. 17), of addresses (addresses over time, therefore, multiple), requested from the DVD player hardware (Fig. 16, "HARDWARE BLOCK", having 111, 112, 113, 114, 100), wherein thru the software in memory (col. 10, lines 27-35, in a RAM 2 or embodiment of Fig. 17, "RAM"), wherein the operating system examines the buffered data from the DVD for addresses corresponding to a resource indication (Fig. 17, CPU & software, with respect to Fig. 16, "SOFTWARE Block" having 201, 202, 117, 116), also see col. 17, line 49 to col. 18, line 36.

Regarding claim 10, Kanazawa is deemed to disclose all as recited, but, fails to disclose wherein the addresses are sectors, having data from the DVD stored in the buffer, over time, but fails to disclose a sectorized format of the DVD.

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The examiner takes official notice that the referring to a data structure of a disk having sectors is well known and obvious way to utilize sector-zed, data structure, therefore it would have been obvious to one skilled in the art at the time of the invention to modify Kanazawa by utilizing a sector-zed data structure and locating data accessed through sector addresses as a means to address the data on the DVD, as is well known and conventional in the art, as section dividers or sectored disk structure, on a disk or DVD, medium, is obvious and conventional data structure to conform to, as is obvious to those skilled in the art.

It is noted that Bugnion, teaches at col. 16, lines 26-35: "The device emulator 300 then uses the API 392 offered by the HOS 340 to emulate the I/O requests, that is, to read or write the disk SECTORS from the corresponding virtual disks 38. The call to the API is shown as path D, which call is passed in the conventional manner (path E) to the appropriate device driver 382 within the HOS 340 ..."

Bugnion teaches a disk having sectors being known in the art, supporting the official notice taken as being convention and well known.

Regarding claim 12-19, 21-27, 29-37

- claims 12-, system claims;
- claims 21-, computer program;
- claims 29-, apparatus, are deemed analyzed and discussed with respect to the claims above.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS**

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio
(703) 306-3022.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
2/3/07


VINCENT BOCCIO
PRIMARY EXAMINER